

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

BENJAMIN HUNTER,)
)
 Plaintiff,)
)
 v.) CV423-136
)
 MARTIN O'MALLEY, Commissioner of)
 Social Security,)
)
 Defendant.)

ORDER

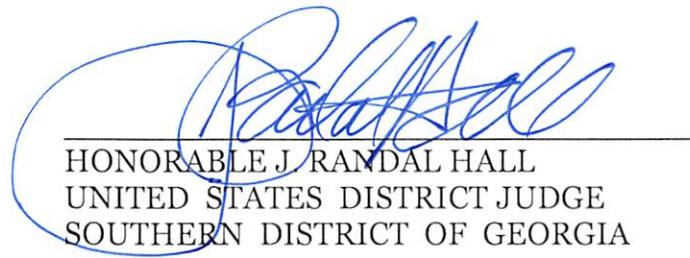
After a careful de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation (R&R) of August 12, 2024, (doc. no. 10), to which Plaintiff has objected, (doc. no. 11). Plaintiff argues that the Commissioner's decision is not supported by substantial evidence because the ALJ did not sufficiently explain how he arrived at his conclusion that Hunter would be off-task five percent of an eight-hour workday. (Doc. no. 10 at 6 (citing doc. no. 5 at 2).) The Magistrate Judge considered this argument and recommended the Commissioner's final decision be affirmed because the ALJ's formulation of Hunter's residual functional capacity ("RFC") was based on substantial evidence. (Doc. no. 10 at 6-11.) Plaintiff objects, disagreeing with the Magistrate Judge's conclusion that the ALJ appropriately supported his findings. (See generally doc. no. 11.)

The R&R explains that, despite discounting Hunter's claims about his inability to concentrate, the ALJ found Hunter to have a moderate limitation in concentrating, persisting or maintaining pace, and therefore incorporated non-exertional limitations in the RFC to accommodate for that limitation. (Doc. no. 10 at 10-11.) The R&R also explains

that Hunter, although attacking the ALJ's calculation of a five percent off-task percentage, points to no piece of objective evidence that he contends supports a finding of a greater off-task percentage. (*Id.* at 10.) Hunter objects, repeating his argument that "the ALJ did not provide an adequate narrative discussion describing how the evidence in Hunter's file supported his off-task conclusion" (Doc. no. 11 at 3.)

After a careful review, the Court agrees with the Magistrate Judge's conclusion that "[t]he ALJ's thorough and reasoned opinion supports his formulation of Hunter's RFC." (Doc. no. 10 at 11.) Therefore, the Plaintiff's objections are **OVERRULED**, the R&R (doc. no. 10) is **ADOPTED** as the Court's opinion in this case, and the Commissioner's final decision is **AFFIRMED**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 5th day of September, 2024.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA